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Attorneys for Defendant Meta Platforms, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE META PIXEL TAX FILING CASES

This Document Relates To:

All Actions

Case No. 5:22-cv-07557-PCP (VKD)

**DECLARATION OF DARCY C. HARRIS
IN SUPPORT OF DEFENDANT META
PLATFORMS, INC.'S STATEMENT OF
NON-OPPOSITION TO PLAINTIFFS'
MOTION FOR LEAVE TO FILE
SECOND AMENDED COMPLAINT**

Date Action Filed: December 1, 2022

1 I, Darcy C. Harris, declare as follows:

- 2 1. I am a partner at the law firm of Gibson, Dunn & Crutcher LLP, counsel of record for Defendant
3 Meta Platforms, Inc. (“Meta”) in the above-captioned matter. I have personal knowledge of all
4 the facts contained herein and, if called as a witness, I could and would testify competently
5 thereto.
 - 6 2. On April 2, 2025, plaintiffs filed a Notice of Motion and Motion for Leave to File Second
7 Amended Complaint. *See* Dkt. 164. Plaintiffs did not inform Meta of their intention to file the
8 Motion for Leave to File Second Amended Complaint (the “Motion”) or their proposed Second
9 Amended Complaint (“SAC”) prior to this filing.
 - 10 3. Plaintiffs did not serve Meta with an unredacted copy of the proposed SAC on the day the
11 Motion was filed. Meta emailed plaintiffs’ counsel the following day, April 3, 2025, requesting
12 the unredacted copy, which plaintiffs’ counsel then sent that day.
 - 13 4. On April 11, 2025, my colleagues held a meet-and-confer with plaintiffs’ counsel, during which
14 my colleagues proposed to plaintiffs’ counsel that the parties stipulate to a reasonable briefing
15 schedule to efficiently brief the issues implicated by the proposed SAC. Under Meta’s proposal,
16 Meta would not oppose plaintiffs’ Motion, subject to plaintiffs’ agreement to an extension of
17 time for Meta to move to dismiss the new claim included in the proposed SAC.
 - 18 5. Plaintiffs’ counsel declined to engage substantively with Meta’s proposal or discuss it on the
19 April 11 meet-and-confer, requesting instead that Meta put the proposal in writing. My
20 colleagues promptly sent Meta’s proposal in writing on April 11, 2025.
 - 21 6. On April 12, 2025, plaintiffs’ counsel rejected Meta’s proposal without discussion or
22 counterproposal.
 - 23 7. On April 12 and April 14, 2025, Meta made offers by email to meet and confer regarding
24 whether the parties could come to an agreement on a reasonable briefing schedule, but
25 plaintiffs’ counsel did not acknowledge or respond to these email requests.
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1 I declare under the penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct. Executed on April 16, 2025, in New York, New York.

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5 /s/ Darcy C. Harris
Darcy C. Harris
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CIVIL L.R. 5-1(i)(3) ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3), I, Lauren R. Goldman, hereby attest under penalty of perjury that concurrence in the filing of this document has been obtained from all signatories.

DATED: April 16, 2025

GIBSON, DUNN & CRUTCHER LLP

By: /s/ Lauren R. Goldman
Lauren R. Goldman